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09/474,056	12/28/1999	HAKAN DJUPHAMMAR		1813

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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

14

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,056

Applicant(s)

DJUPHAMMAR ET AL.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-10,12-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10,12,13 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7,14-16,18-20 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 5, 7, 14-16, 18-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al. (U. S. Patent 6,389,008 B1) in view of Peltola Jukka (WO 99/11032).

For claim 1, Lupien et al. disclose integrated radio telecommunications network and method of interworking an ASNI-41 network and the general packet radio service (GPRS), comprising:

(a) synchronizing, during an idle state, a mobile station to a default carrier selected from a group comprising an all-services carrier and a best-efforts carrier, the all-services carrier

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supporting real-time and non-real-time services, the best-efforts carrier supporting only non-real-time services (col. 15 lines 31-36);

(b) notifying the mobile station to synchronize with a remain carrier (col. 15 lines 33-42);

(c) synchronizing the mobile station to the remaining carrier (col. 15 lines 31-36);

(d) connecting an incoming call to the mobile station over the remaining carrier (col. 15 lines 31-39); and

(e) synchronizing the mobile station to the default carrier upon completion of the incoming call (col. 16 lines 39-43).

However, Lupien et al. do not explicitly disclose synchronizing the mobile station to the default carrier. In an analogous art, Peltola Jukka discloses synchronizing the mobile station to the default carrier (page 3 lines 2-3 and page 10 lines 16-18). One skilled in the art would have recognized synchronizing the mobile station to the default carrier to use the teachings of Peltola Jukka in the system of Lupien et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the synchronizing the mobile station to the default carrier as taught by Peltola Jukka in Lupien et al.'s system with the motivation being to provide faster operation (page 10 lines 16-22).

For claim 2, Lupien et al. disclose wherein the default carrier is a 1xRTT carrier, the remaining carrier is a HDR carrier, and the call is a data call (figure 1, col. 4 lines 13-16).

For claim 3, Lupien et al. disclose wherein the default carrier is a HDR carrier, the remaining carrier is a 1xRTT carrier, and the call is a voice call (figure 1, col. 4 lines 13-16).

For claim 5, Lupien et al. disclose wherein prior to notifying the mobile station to synchronize with the remaining carrier, the mobile station has an active voice call in progress

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over the default carrier, the active voice call being placed on hold during steps (c), (d) and (e) and further wherein the default carrier is a 1xRTT carrier (col. 16 lines 23-30).

For claim 7, Lupien et al. disclose:

notifying the mobile station to synchronize with the remaining carrier includes notifying the mobile station to synchronize with a HDR carrier because of the incoming call, said incoming call being a data call (col. 15 lines 33-42), and further comprising:

placing the an active voice call over the 1xRTT carrier on hold (col. 16 lines 23-34);
accepting the data call over the CDR carrier (col. 16 lines 23-34); and
reconnecting the active voice call (col. 16 lines 39-43).

For claim 14, Lupien et al. disclose integrated radio telecommunications network and method of interworking an ASNI-41 network and the general packet radio service (GPRS), comprising:

synchronize, during an idle state, a mobile station to a default carrier comprising either the all-services carrier or the best-efforts carrier (col. 15 lines 31-36);

notifying the mobile station to synchronize with a remaining carrier upon notice of an incoming call at a mobile station controller (col. 15 lines 33-42);

synchronize the mobile station to the remaining carrier upon receipt of an incoming call (col. 15 lines 31-36);

connect the incoming call to the mobile station over the remaining carrier (col. 15 lines 31-39); and

synchronize the mobile station to the default carrier upon completion of the call (col. 16 lines 39-43).

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However, Lupien et al. do not explicitly disclose synchronizing the mobile station to the default carrier. In an analogous art, Peltola Jukka discloses synchronizing the mobile station to the default carrier (page 3 lines 2-3 and page 10 lines 16-18). One skilled in the art would have recognized synchronizing the mobile station to the default carrier to use the teachings of Peltola Jukka in the system of Lupien et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the synchronizing the mobile station to the default carrier as taught by Peltola Jukka in Lupien et al.'s system with the motivation being to provide faster operation (page 10 lines 16-22).

For claim 15, Lupien et al. disclose wherein the default carrier is a 1xRTT carrier, the remaining carrier is a HDR carrier, and the call is a data call (figure 1, col. 4 lines 13-16).

For claim 16, Lupien et al. disclose wherein the default carrier is a HDR carrier, the remaining carrier is a 1xXRTT carrier, and the call is a voice call (figure 1, col. 4 lines 13-16).

For claim 18, Lupien et al. disclose wherein prior to notifying the mobile station to synchronize with the remaining carrier, the mobile station has an active voice call in progress over the default carrier, and the network is configured to place the active voice call on hold while the mobile station is synchronized to the remaining carrier (col. 16 lines 23-30).

For claim 19, Lupien et al. disclose wherein the network is further configured to:
transfer the incoming call to the remaining carrier, wherein the incoming call is a voice call; and accept the voice call over the remaining carrier (col. 16 lines 23-34).

For claim 20, Lupien et al. disclose wherein the network is further configured to:
place an active voice call over default carrier on hold (col. 16 lines 23-34);

accept the incoming call over the remaining carrier, wherein the incoming call is a data call (col. 16 lines 23-34); and

reconnecting the active voice call (col. 16 lines 39-43).

For claim 24, Lupien et al. disclose wherein the default carrier is a 1xRTT carrier, the remaining carrier is a HDR carrier, and the call is a data call (figure 1, col. 4 lines 13-16).

Allowable Subject Matter

4. Claims 8-10, 12-13 and 21-23 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding claim 8, the prior art fails to teach a combination of the steps of:

if a specified condition is detected while the data call is in progress, synchronize the mobile station to the all-services carrier; and

continue the data call over the all-services carrier, in the specific combination as recited in the claim.

Regarding claim 21, the prior art fails to teach a combination of the steps of:

determining that the data call should be carried over the 1xRTT carrier;

synchronizing the mobile station to the 1xRTT carrier; and

continuing the data call over the 1xRTT carrier, in the specific combination as recited in the claim.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5, 7, 14-16 and 18-20 have been considered but they are not persuasive.

The applicant argues with respect to claims 1 and 14, that Lupien fails to teach the adding limitation of “notifying the mobile station to synchronize with a remain carrier.” The examiner disagrees. Applicant’s attention is directed to Lupien at col. 15 lines 33-42 where Lupien clearly teaches “For those mobile stations, the default mode is to access the GPRS network and then inform (notify means) the associated circuit switched network (remain carrier means) that the mobile station is active and registered in the GPRS network. When the mobile station registers with the GPRS network, the SGSN 32 informs (notify means) the MSC/VLR 23 of the registration through the interface between them. When this information is received in the MSC/VLR, it triggers the location updating function in the circuit switch network (synchronize with a remain carrier), and the location is updated in the ASN1-41 HLR/AC21.”

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN

T.N.



HUY D. VU
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